

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-155663-002 DT

04/24/2014

HON. DAWN M. BERGIN

CLERK OF THE COURT  
B. Navarro  
Deputy

STATE OF ARIZONA

KRISTIN LARISH

v.

RONALD THERMAN-LAMAR ALEWINE (002) ULISES FERRAGUT JR.

**TRIAL MINUTE ENTRY**  
**DAY 29**

11:08 a.m. The Jury returns from April 23, 2014 to resume their deliberations.

12:23 p.m. The Jury takes a lunch recess.

12:57 p.m. The Jury returns to resume their deliberations.

2:07 p.m. This is the time set for oral argument on Defendant's "Renewed Objection to the Jury Making a Separate Jury Finding as to the 'Dangerous' Nature of the Offense Pursuant to A.R.S. 13-704 for Count 1, First Degree Murder, an Inherently Dangerous Offense and Request for Aggravation Hearing on Count 2."

State's Attorney:	Laura Reckart for Kristin Larish
Case Agent:	Sgt. John Thompson
Defendant's Attorney:	Ulises Ferragut, Jr.
Defendant:	Present
Court Reporter:	Rochelle Dobbins

The Jury is not present.

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Oral argument is held on the Defendant's objection to a dangerous finding by the Jury on Count 1.

For the reasons set forth on the record,

**IT IS ORDERED** overruling the objection.

Oral argument begins on the Defendant's request for an "aggravation hearing" on Count 2, Burglary in the First Degree. The Court reminds Defense counsel that the State has withdrawn its request for aggravation findings and confirms that Defense counsel is requesting post-verdict argument on a finding of dangerousness for Count 2.

The Court interrupts oral argument to address a Jury question. The question is discussed with counsel and a written response is provided to the Jury.

FILED (2:27 p.m.): Jury Deliberation Question

Oral argument continues.

For the reasons set forth on the record,

**IT IS ORDERED** that if the Jury finds the Defendant not guilty of First Degree Murder, but guilty of Burglary in the First Degree: (1) the definition of "dangerous offense" in the jury instruction shall be limited to: "the use or threatening exhibition of a dangerous instrument;" and (2) counsel may present oral argument to the Jury.

If the Jury finds the Defendant guilty on both counts, the Jury will be given a dangerous instruction and verdict form for each count and no oral argument will be held.

2:35 p.m. Court stands at recess.

3:44 p.m. Court reconvenes.

State's Attorney:	Laura Reckart for Kristin Larish
Case Agent:	Sgt. John Thompson
Defendant's Attorney:	Ulises Ferragut, Jr.
Defendant:	Presence Waived
Court Reporter:	Rochelle Dobbins

The Jury is not present.

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The Court receives 2 written Jury questions during deliberations. Same are discussed with counsel.

Written responses to said Questions are given to the Jury by the Court.

Discussion is held.

3:50 p.m. The Defendant is now present.

Defense counsel asks the Court to re-read the prior Jury deliberation question.

The Jury would like to deliberate tomorrow (Friday, April 25). Defense counsel advises that because the Jurors had indicated they would not be deliberating on Friday due to the unavailability of one Juror, he did not request a continuance of a hearing he must attend in Yuma.

Defense counsel steps outside to call another attorney. He returns and advises the Court that Jason Lamm will be available tomorrow to cover for him. He will provide Mr. Lamm's contact information to the Bailiff.

3:53 p.m. Court stands at recess.

FILED: Jury Deliberation Questions (2)

4:01 p.m. The Jury retires from their deliberations to reconvene on **April 25, 2014 at 12:00 p.m.**

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.